

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:05-cr-18

v.

HON. JANET T. NEFF

DUAYNE SAFFORE,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Duayne Saffore has filed a motion for modification or reduction of sentence (Dkt 291) pursuant to 18 U.S.C. § 3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible. Defendant was sentenced as a career offender under U.S.S.G. § 4B1.1 and the amendments are of no assistance to him. The applicable guideline range has not been lowered as a result of the amendment to the Sentencing Guidelines. *See United States v. Bridgewater*, 606 F.3d 258, 260-01 (6th Cir. 2010); *United States v. Washington*, 584 F.3d 693, 700-01, (6th Cir. 2009).

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 291) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

IT IS FURTHER ORDERED that defendant's request for court appointed counsel is also DENIED.

DATED: January 27, 2012

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge